

BEFORE THE
STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS

In the Matter of the Motor Vehicle
Dealer License of Ripon Auto Sales.

Case No. 96-H-996

FINAL DECISION

On September 17, 1996, the Department of Transportation filed a complaint alleging that Ripon Auto Sales has failed to Maintain a surety bond or letter of credit as required by sec. 218.01(2)(bb), Stats. Based on this allegation the Department of Transportation is seeking an order suspending the motor vehicle dealer license of Ripon Auto Sales. Pursuant to due notice, a hearing was conducted on November 8, 1996, in Madison, Wisconsin. Mark J. Kaiser, Administrative Law Judge, presided.

In accordance with secs. 227.47 and 227.53(1)(c), Stats., the parties are certified as follows:

Wisconsin Department of Transportation, complainant, by
Attorney Charles M. Kernats
Office of General Counsel
PO Box 7910
Madison, WI 53707-7910

Ripon Auto Sales, respondent,
no appearance

On November 20, 1996, the Administrative Law Judge issued a proposed decision. No comments on the proposed decision were received. The proposed decision is adopted as the final decision in this matter.

Findings of Fact

The Administrator finds:

1. Robert J. and Bonnie S. Shrader, d/b/a Ripon Auto Sales (Ripon Auto Sales) is a motor vehicle dealer conducting business at W586 State Road 23-49, Ripon Wisconsin. Ripon Auto Sales holds a motor vehicle dealer license issued by the Department of Transportation (Department).

2. Motor vehicle dealers are required by sec. 218.01(2)(bb), Stats., to maintain a \$25,000 surety bond or letter of credit as a condition of obtaining and maintaining a motor vehicle dealer license.
3. The Hartford Casualty Insurance Company issued a continuation certificate of a surety bond on behalf of Ripon Auto Sales on June 29, 1995. The continuation certificate expired on July 31, 1996.
4. Ripon Auto Sales has not provided evidence of a continuation of the existing bond, a replacement surety bond, or an irrevocable letter of credit to the Department. As of August 1, 1996, Ripon Auto Sales has failed to maintain a surety bond or irrevocable letter of credit.

Conclusions of Law

The Administrator concludes:

1. Pursuant to sec. 218.01(3)(a)7, Stats., failure to maintain the surety bond or letter of credit required by sec. 218.11(2)(bb), Stats., is grounds for the denial, suspension, or revocation of the license of a motor vehicle dealer license.
2. Pursuant to secs. 218.01(3)(c) and 227.43(1)(bg), Stats., the Division of Hearings and Appeals has the authority to issue the following order.

Order

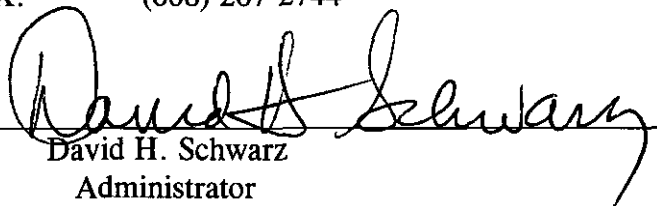
The Administrator orders:

The motor vehicle dealer license of Robert J. and Bonnie S. Shrader, d/b/a Ripon Auto Sales is suspended. This order shall be effective ten days from the date of the final order in this matter.

Dated at Madison, Wisconsin on December 9, 1996.

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
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By


David H. Schwarz
Administrator